



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



MARK H.

**LETTER OF DEFICIENCY  
WET #SC2004-0007**

March 18, 2004

Dover Cote Revocable Trust  
Attn: Alexander Nossiff, Trustee  
23 Cote Drive  
Dover, New Hampshire 03820

**RE: Wetlands Bureau Complaint File #2003-254, Nossiff, 23 Cote Drive, Dover Tax N  
/ Lot 58P.**

Dear Mr. Nossiff:

As you are aware, on March 4, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the City of Dover Tax Map 1 as Lot 58P (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

It has been determined that a fence has been installed within a tidal wetland area, a tidal wetland area is filled with brush/construction debris for the purpose of burning the debris, and a fence was installed in the upland tidal buffer zone on the property without a permit from the DES Wetlands Bureau.

DES requests that you take the following action

1. Remove the existing brush/construction debris from the tidal wetland area by **April 19, 2004** and refrain from placing these materials or any other fill in the tidal wetland area in the future.
2. Remove the fence that was installed within the tidal wetland area by **April 19, 2004** and refrain from installing the fence in the tidal wetland area in the future.
3. Allow the tidal wetland area to revegetate naturally according to the natural dynamic of the area without interference.
4. Provide documentation to the DES Wetlands Bureau by **April 22, 2004** that the brush/construction debris and the fence in the tidal wetland is removed.
5. Remove the fence that was installed within the upland tidal buffer zone by **May 4, 2004** or apply after-the-fact for a permit to retain the fence. A Standard Dredge and Fill application is enclosed for your use.

**NHDES Wetlands Complaint File #2003-2548**

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183 or by e-mail at [dprice@des.state.nh.us](mailto:dprice@des.state.nh.us).

Sincerely,

**COPY**  


Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2760

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Alan Dews, City of Dover  
Dover Conservation Commission